



[4910-13-P]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0143; Directorate Identifier 2011-NM-077-AD]

RIN 2120-AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for all Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. That NPRM proposed to supersede an existing AD that requires revising the airworthiness limitations section (ALS) of the instructions for continued airworthiness for certain airplanes, and the FAA-approved maintenance program for certain other airplanes, to incorporate new limitations. That NPRM was prompted by Fokker Services B.V. issuing a Fokker 70/100 maintenance review board (MRB) document with revised limitations, tasks, thresholds, and intervals. This action revises that NPRM by revising the maintenance program to incorporate the limitations, tasks, thresholds, and intervals specified in certain revised Fokker MRB documents. We are proposing this AD to reduce the potential of structural failures or of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. Since these actions impose an additional burden over that proposed in the NPRM, we are

reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: (202) 493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email technicalservices@fokker.com; Internet <http://www.myfokkerfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2012-0143; Directorate Identifier 2011-NM-077-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will

also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the Federal Register on February 21, 2012 (77 FR 9871). That earlier NPRM proposed to supersede AD 2004-15-08, Amendment 39-13742 (69 FR 44586, July 27, 2004), to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM (77 FR 9871, February 21, 2012) was issued, Fokker Services B.V. has issued certain revised MRB documents with revised limitations, tasks, thresholds, and intervals. This supplemental NPRM would revise the maintenance program to incorporate the limitations, tasks, thresholds, and intervals specified in those Fokker MRB documents. Additionally, The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012-0049, dated March 27, 2012 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Fokker Services published issue 3 of report SE-672 dated 3 January 2012 and issue 9 of report SE-473 dated 11 January 2012, both part of the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness, referred to in Section 06, Appendix 1, of the Fokker 70/100 Maintenance Review Board (MRB) document. The complete ALS currently consists of:

- Certification Maintenance Requirements (CMRs) – report SE-473, issue 9

- Airworthiness Limitation Items (ALIs) and Safe Life Items (SLIs) – report SE-623, issue 8

- Fuel ALIs and Critical Design Configuration Control Limitations (CDCCLs) – report SE-672, issue 3

The instructions contained in those reports have been identified as mandatory actions for continued airworthiness.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011-0157, which is superseded, and requires the implementation of the inspections and limitations as specified in the ALS of the Instructions for Continued Airworthiness, referred to in Section 06, Appendix 1 of the Fokker 70/100 MRB document, reports SE-473, SE-623 and SE-672 at the above-mentioned issues.

We have determined that the actions identified in this supplemental NPRM are necessary to reduce the potential of structural failures or of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Fokker has issued the following documents:

- Fokker Report SE-473, “Fokker 70/100 Certification Maintenance Requirements,” Issue 9, released January 11, 2012.
- Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011.
- Fokker Report SE-672, “Fokker 70/100 Fuel Airworthiness Limitation Items (ALI) and Critical Design Configuration Control Limitations (CDCCL),” Issue 3,

released January 4, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We gave the public the opportunity to comment on the earlier NPRM (77 FR 9871, February 21, 2012). We received no comments on that NPRM or on the determination of the cost to the public.

Explanation of Changes Made to this Supplemental NPRM

We have revised certain headings throughout this supplemental NPRM. We have also re-identified Note 1 of the earlier NPRM (77 FR 9871, February 21, 2012) to paragraph (c)(2) of this supplemental NPRM, and changed Note 2 of the earlier NPRM to paragraph (h)(2) of this supplemental NPRM. These changes do not affect the intent of those paragraphs.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM (77 FR 9871, February 21, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment

on this proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 13 products of U.S. registry.

The actions that are required by AD 2004-15-08, Amendment 39-13742 (69 FR 44586, July 27, 2004), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of \$85 per work hour. The actions that are required by AD 2008-06-20, Amendment 39-15432 (73 FR 14661, March 19, 2008), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of \$85 per work hour. Based on these figures, the estimated cost of the currently required actions is \$170 per product.

We estimate that it would take about 1 work-hour per product to comply with the new basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$1,105, or \$85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress

charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39 - AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2004-15-08, Amendment 39-13742 (69 FR 44586, July 27, 2004), and adding the following new AD:

Fokker Services B.V.: Docket No. FAA-2012-0143; Directorate Identifier 2011-NM-077-AD.

(a) Comments Due Date

We must receive comments by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

(b) Affected ADs

This AD supersedes AD 2004-15-08, Amendment 39-13742 (69 FR 44586, July 27, 2004). This AD also affects AD 2008-06-20, Amendment 39-15432 (73 FR 14661, March 19, 2008).

(c) Applicability

(1) This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100

airplanes, certificated in any category, all serial numbers.

(2) This AD requires revisions to certain operator maintenance documents to include new actions (e.g., inspections) and/or Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and/or CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (n) of this AD. The request should include a description of changes to the required actions that will ensure the continued operational safety of the airplane.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a revised Fokker 70/100 maintenance review board (MRB) document with revised limitations, tasks, thresholds, and intervals. We are issuing this AD to reduce the potential of structural failures or of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Retained Airworthiness Limitations Revision

This paragraph restates the requirements of paragraph (c) of AD 2004-15-08,

Amendment 39-13742 (69 FR 44586, July 27, 2004). Within 6 months after August 31, 2004 (the effective date of AD 2004-15-08), revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness by incorporating Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitations Items and Safe Life Items," Issue 2, dated September 1, 2001; and Fokker Services B.V. Report SE-473, "Fokker 70/100 Certification Maintenance Requirements," Issue 5, dated July 16, 2001; into Section 6 of the Fokker 70/100 MRB document. (These reports are already incorporated into Fokker 70/100 MRB document, Revision 10, dated October 1, 2001.) Once the actions required by this paragraph have been accomplished, the original issue of Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitations Items and Safe Life Items," dated June 1, 2000, may be removed from the ALS of the Instructions for Continued Airworthiness. Doing the actions specified in paragraph (i) of this AD terminates the requirements of paragraph (g) of this AD.

(h) Retained Requirement for No Alternative Inspections or Intervals

This paragraph restates the requirements of paragraph (e) of AD 2004-15-08, Amendment 39-13742 (69 FR 44586, July 27, 2004).

(1) After the actions required by paragraph (g) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents identified in paragraph (g) of this AD, except as required by paragraph (k) of this AD.

(2) Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before the revision of the ALS for certain airplanes, and the maintenance program for

certain other airplanes, as required by paragraph (i) of this AD, do not need to be reworked in accordance with the CDCCLs. However, once the ALS for certain airplanes, and the maintenance program for certain other airplanes, has been revised, future maintenance actions on these components must be done in accordance with the CDCCLs.

(i) New Maintenance Program Revision

Within 3 months after the effective date of this AD, revise the maintenance program to incorporate the airworthiness limitations specified in the Fokker MRB documents identified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD. For all tasks and retirement lives identified in the Fokker MRB documents identified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD, the initial compliance times start from the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD, and the repetitive inspections must be accomplished thereafter at the applicable interval specified in the Fokker MRB documents identified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD.

(1) Within 3 months after the effective date of this AD.

(2) At the time specified in the documents identified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD.

(3) Fokker Report SE-473, “Fokker 70/100 Certification Maintenance Requirements,” Issue 9, released January 11, 2012.

(4) Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011.

(5) Fokker Report SE-672, “Fokker 70/100 Fuel Airworthiness Limitation Items (ALI) and Critical Design Configuration Control Limitations (CDCCL),” Issue 3,

released January 4, 2012.

(j) New Corrective Actions

If any discrepancy (as defined in the documents specified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD) is found during accomplishment of any task specified in the documents specified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD: Within the applicable compliance time specified in the applicable documents specified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD, accomplish the corrective actions in accordance with the approved maintenance documentation. If no compliance time is identified in the applicable documents specified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD, accomplish the applicable corrective actions before further flight. If any discrepancy is found and there is no corrective action specified in the applicable documents specified in paragraphs (i)(3), (i)(4), and (i)(5) of this AD: Before further flight contact the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, or the European Aviation Safety Agency (EASA) (or its delegated agent), for approved corrective actions, and accomplish those actions before further flight.

(k) No Alternative Actions, Intervals, and/or CDCCLs

After accomplishing the revision required by paragraph (i) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(l) Terminating Action

Accomplishing the actions specified in paragraph (i) of this AD terminates the requirements of paragraph (g) of this AD.

(m) Method of Compliance with AD 2008-06-20, Amendment 39-15432 (73 FR 14661, March 19, 2008)

Accomplishing the actions specified in paragraph (i) of this AD terminates the requirements of paragraphs (f)(1) through (f)(5) of AD 2008-06-20, Amendment 39-15432 (73 FR 14661, March 19, 2008).

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149. Information may be e-mailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of

Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(o) Related Information

(1) Refer to MCAI EASA Airworthiness Directive 2012-0049, dated March 27, 2012, and the service information specified in paragraphs (o)(1)(i), (o)(1)(ii), and (o)(1)(iii)2q of this AD, for related information.

(i) Fokker Report SE-473, “Fokker 70/100 Certification Maintenance Requirements,” Issue 9, released January 11, 2012.

(ii) Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011.

(iii) Fokker Report SE-672, “Fokker 70/100 Fuel Airworthiness Limitation Items (ALI) and Critical Design Configuration Control Limitations (CDCCL),” Issue 3, released January 4, 2012.

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email technicalservices@fokker.com; Internet <http://www.myfokkerfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate,

1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on August 3, 2012.

Ali Bahrami,
Manager,
Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2012-19888 Filed 08/13/2012 at 8:45 am; Publication Date: 08/14/2012]